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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

NEKESHA ROBERTSON, individually  
and as Successor in Interest to  
NICHOLAS ROBERTSON, deceased;  
N.Z.R., a minor, individually, by and  
through her Guardian Ad Litem,  
NEKESHA ROBERTSON; N.P.R., a  
minor, individually, by and through her  
Guardian Ad Litem, NEKESHA  
ROBERTSON; N.D.R., a minor,  
individually, by and through his Guardian  
Ad Litem, NEKESHA ROBERTSON;  
CHARLES ROBERTSON, individually,  
and ANTHONETT ROBERTSON,  
individually,

## Plaintiffs,

vs.

COUNTY OF LOS ANGELES, a  
municipal entity, and DOES 1 through 10,  
inclusive.

## Defendants.

CASE NO.: 2:16-CV-02761

## **COMPLAINT FOR DAMAGES**

1. **Violations of Civil Rights (42 U.S.C. § 1983) (Based on Unreasonable Use of Deadly Force)**
2. **Violations of Civil Rights (42 U.S.C. § 1983) (Based on Unconstitutional Policy, Practice, or Custom)**
3. **Violations of Civil Rights (42 U.S.C. § 1983) (Substantive Due Process)**
4. **Wrongful Death (Cal. Government Code §§ 815.2(a), 820(a); Cal. Civil Code § 43) (Based on Battery)**
5. **Wrongful Death (Cal. Government Code §§ 815.2(a), 820(a)) (Based on Negligence)**

## **DEMAND FOR JURY TRIAL**

**JURISDICTION AND VENUE**

1       1.     Jurisdiction is vested in this court under 28 U.S.C. § 1333(a)(3)-(4) for  
2 violations of the 1871 Civil Rights Enforcement Act, as amended, including 42 U.S.C.  
3 § 1983 and 28 U.S.C. §§ 1331 and 1367(a).

4       2.     Venue is proper in the Central District of California under 28 U.S.C.  
5 § 1333(a)-(b).

**PARTIES**

6       3.     Plaintiff NEKESHA ROBERTSON is, and at all relevant times mentioned  
7 herein was, a resident of the County of Los Angeles, State of California. Plaintiff  
8 NEKESHA ROBERTSON is the surviving spouse of decedent NICHOLAS  
9 ROBERTSON.

10      4.     Plaintiff NEKESHA ROBERTSON is the Successor in Interest to decedent  
11 NICHOLAS ROBERTSON and is entitled to bring certain causes of action herein alleged  
12 pursuant to § 377.30 of the California Code of Civil Procedure. (Attached herein is a  
13 declaration designating Plaintiff NEKESHA ROBERTSON as the Successor in Interest  
14 to decedent NICHOLAS ROBERTSON, furnished herewith pursuant to § 377.32 of the  
15 California Code of Civil Procedure, and a true and correct copy of the death certificate  
16 for decedent NICHOLAS ROBERTSON, furnished herewith pursuant to § 377.32 of the  
17 California Code of Civil Procedure.)

18      5.     Plaintiff N.Z.R., a minor, is, and at all relevant times mentioned herein was,  
19 a resident of the County of Los Angeles, State of California. Plaintiff N.Z.R. is the  
20 surviving biological daughter of decedent NICHOLAS ROBERTSON. Plaintiff N.Z.R.  
21 brings this action by and through her biological mother and Guardian Ad Litem,  
22 NEKESHA ROBERTSON.

23      6.     Plaintiff N.P.R., a minor, is, and at all relevant times mentioned herein  
24 was, a resident of the County of Los Angeles, State of California. Plaintiff N.P.R. is the  
25 surviving biological daughter of decedent NICHOLAS ROBERTSON. Plaintiff N.P.R.  
26 brings this action by and through her biological mother and Guardian Ad Litem,

1 NEKESHA ROBERTSON.

2       7. Plaintiff N.D.R., a minor, is, and at all relevant times mentioned herein was,  
3 a resident of the County of Los Angeles, State of California. Plaintiff N.D.R. is the  
4 surviving biological son of decedent NICHOLAS ROBERTSON. Plaintiff N.D.R. brings  
5 this action by and through his biological mother and Guardian Ad Litem, NEKESHA  
6 ROBERTSON.

7       8. Plaintiff CHARLES ROBERTSON is, and at all relevant times mentioned  
8 herein was, a resident of the County of Crittenden, State of Arkansas. Plaintiff  
9 CHARLES ROBERTSON is the surviving biological father of decedent NICHOLAS  
10 ROBERTSON.

11      9. Plaintiff ANTHONETT ROBERTSON is, and at all relevant times  
12 mentioned herein was, a resident of the County of Los Angeles, State of California.  
13 Plaintiff ANTHONETT ROBERTSON is the surviving biological mother of decedent  
14 NICHOLAS ROBERTSON.

15      10. Defendant COUNTY OF LOS ANGELES (hereinafter "COUNTY") is, and  
16 at all relevant times mentioned herein was, a municipal entity or political subdivision of  
17 the United States, organized and existing under the laws of the State of California.

18      11. Plaintiffs are informed and believe, and thereon allege, that the heretofore  
19 unknown Defendant DOE Deputies are, and at all relevant times mentioned herein were,  
20 residents of the County of Los Angeles and State of California. Further, at all times  
21 relevant to the acts and omissions herein alleged, said Defendant DOE Deputies were  
22 sheriff's deputies employed by the Defendant COUNTY and the Los Angeles County  
23 Sheriff's Department, and were acting under color of law and in the course and scope of  
24 their employment with the Defendant COUNTY and the Los Angeles County Sheriff's  
25 Department.

26      12. On or around February 3, 2016, a timely Claim for Damages was submitted  
27 to the County of Los Angeles in substantial compliance with California Government  
28 Code § 910, et seq. As of the date of the filing of this Complaint, said Claim has been

denied.

13. Plaintiffs are unaware of the true names and capacities of those Defendants named herein as DOE Defendants. Plaintiffs will amend this Complaint to allege said Defendants' true names and capacities when that information becomes known to them. Plaintiffs are informed, believe, and thereon allege that these DOE Defendants are legally responsible and liable for the incident, injuries, and damages hereinafter set forth, and that each of said Defendants proximately caused the injuries and damages by reason of negligent, careless, deliberately indifferent, intentional, willful, or wanton misconduct, including the negligent, careless, deliberately indifferent, intentional, willful, or wanton misconduct in creating and otherwise causing the incidents, conditions, and circumstances hereinafter set forth, or by reason of direct or imputed negligence or vicarious fault or breach of duty arising out of the matters herein alleged. Plaintiffs will seek leave to amend this Complaint to set forth said true names and identities of the unknown named DOE Defendants when they are ascertained.

14. Each of the individual Defendants sued herein is sued both in his individual and personal capacity, as well as in his official capacity.

15. Plaintiffs are informed, believe, and thereon allege that at all times herein mentioned, each of the Defendants was the agent and/or employee and/or co-conspirator of each of the remaining Defendants, and in doing the things hereinafter alleged, was acting within the scope of such agency, employment, and/or conspiracy and with the permission and consent of other co-Defendants.

## **FACTS COMMON TO ALL COUNTS**

16. This Complaint concerns a fatal deputy-involved shooting incident which occurred during the morning hours of Saturday, December 12, 2015, at or around the intersection of Long Beach Boulevard and Magnolia Avenue in the City of Lynwood, County of Los Angeles, and State of California. Plaintiffs are informed, believe, and thereupon allege that at approximately 11:00 a.m. on that date, Plaintiffs' decedent, NICHOLAS ROBERTSON was walking at or around the intersection of Long Beach

1 Boulevard and Magnolia Avenue when two heretofore unknown Defendant DOE  
2 Deputies, while acting under color of law and in the course and scope of their  
3 employment with the Defendant COUNTY and the Los Angeles County Sheriff's  
4 Department, negligently assessed the circumstances presented to them, and then violently  
5 confronted NICHOLAS ROBERTSON without having probable cause or reasonable  
6 suspicion to believe that NICHOLAS ROBERTSON had committed a crime, or would  
7 commit a crime in the future.

8       17. Without warning, the Defendant DOE Deputies proceeded to assault and  
9 batter NICHOLAS ROBERTSON by acts which included, but were not limited to,  
10 repeatedly and unjustifiably discharging their department-issued firearms at the person of  
11 NICHOLAS ROBERTSON, inflicting several gunshot wounds, which proved to be fatal.  
12 Following the shooting, the involved deputies denied medical care to NICHOLAS  
13 ROBERTSON in a manner that demonstrated deliberate indifference to his constitutional  
14 rights. After surviving for an appreciable period of time following the shooting,  
15 NICHOLAS ROBERTSON died as a direct and proximate result of the gunshot wounds  
16 inflicted upon his person by the Defendant DOE Deputies.

17       18. At no time during the course of these events did NICHOLAS ROBERTSON  
18 pose any reasonable or credible threat of violence to the shooting deputies, nor did he do  
19 anything to justify the force used against him, and the same was deadly, excessive,  
20 unnecessary, and unlawful. Both prior to and during the time in which he was fatally  
21 shot, NICHOLAS ROBERTSON posed no reasonable or credible threat of violence to  
22 the heretofore unknown Defendant DOE Deputies who shot him, nor to any other  
23 individual. Both prior to and during the time in which he was shot dead, NICHOLAS  
24 ROBERTSON made no aggressive movements, no furtive gestures, and no physical  
25 movements which would suggest to a reasonable sheriff's deputy that he had the will, or  
26 the ability to inflict substantial bodily harm against any individual. Both prior to and  
27 during the time in which the Defendant DOE Deputies shot and killed NICHOLAS  
28 ROBERTSON, the Defendant DOE Deputies, who fired, were not faced with any

1 circumstances which would have led a reasonable sheriff's deputy to believe that  
2 NICHOLAS ROBERTSON posed the risk of death or serious bodily injury to any  
3 person.

4 **FOR THE FIRST CAUSE OF ACTION**

5 **(By Plaintiff NEKESHA ROBERTSON, as Successor in Interest to NICHOLAS  
6 ROBERTSON, Deceased, Against the Heretofore Unknown Defendant DOE  
7 Deputies for Violations of Civil Rights [42 U.S.C. § 1983])**

8 **(Based on Unreasonable Use of Deadly Force)**

9 19. Plaintiffs restate and incorporate by reference the foregoing paragraphs of  
10 this Complaint as if set forth in full at this point.

11 20. This cause of action is brought on behalf of decedent NICHOLAS  
12 ROBERTSON, by and through his Successor in Interest, Plaintiff NEKESHA  
13 ROBERTSON, who would, but for his death, be entitled to bring this cause of action, and  
14 is set forth herein to redress the deprivation, under color of statute, ordinance, regulation,  
15 policy, custom, practice, and/or usage, of rights, privileges, and/or immunities secured to  
16 decedent NICHOLAS ROBERTSON by the Fourth Amendment to the Constitution of  
17 the United States, including, but not limited to, the right to be free from unreasonable  
18 governmental seizures of his person.

19 21. Plaintiffs are informed and believe, and thereupon allege, that at all times  
20 mentioned herein, the Defendant COUNTY employed the heretofore unknown Defendant  
21 DOE Deputies. The Defendant COUNTY provided its individual employees and agents,  
22 including the Defendant DOE Deputies, with official badges and identification cards  
23 which designated and described the bearers as employees of the Defendant COUNTY  
24 and the Los Angeles County Sheriff's Department.

25 22. At all times relevant to the acts and omissions herein alleged, the heretofore  
26 unknown Defendant DOE Deputies were employed by the Defendant COUNTY and the  
27 Los Angeles County Sheriff's Department, and were acting under color of law and in the  
28 course and scope of their employment with the Defendant COUNTY and the Los

1 Angeles County Sheriff's Department.

2       23. At approximately 11:00 a.m. on Saturday, December 12, 2015, Plaintiffs'  
3 decedent, NICHOLAS ROBERTSON, was walking at or around the intersection of Long  
4 Beach Boulevard and Magnolia Avenue when two heretofore unknown Defendant DOE  
5 Deputies, while acting under color of law and in the course and scope of their  
6 employment with the Defendant COUNTY and the Los Angeles County Sheriff's  
7 Department, violently confronted NICHOLAS ROBERTSON without having probable  
8 cause or reasonable suspicion to believe that NICHOLAS ROBERTSON had committed  
9 a crime, or would commit a crime in the future.

10      24. Without warning, the Defendant DOE Deputies proceeded to assault and  
11 batter NICHOLAS ROBERTSON by acts which included, but were not limited to,  
12 repeatedly and unjustifiably discharging their department-issued firearms at the person of  
13 NICHOLAS ROBERTSON, inflicting several gunshot wounds, which proved to be fatal.  
14 Following the shooting, the involved deputies denied medical care to NICHOLAS  
15 ROBERTSON in a manner that demonstrated deliberate indifference to his constitutional  
16 rights. After surviving for an appreciable period of time following the shooting,  
17 NICHOLAS ROBERTSON died as a direct and proximate result of the gunshot wounds  
18 inflicted upon his person by the Defendant DOE Deputies.

19      25. At no time during the course of these events did NICHOLAS ROBERTSON  
20 pose any reasonable or credible threat of violence to the shooting deputies, nor did he do  
21 anything to justify the force used against him, and the same was deadly, excessive,  
22 unnecessary, and unlawful. Both prior to and during the time in which he was fatally  
23 shot, NICHOLAS ROBERTSON posed no reasonable or credible threat of violence to  
24 the heretofore unknown Defendant DOE Deputies who shot him, nor to any other  
25 individual. Both prior to and during the time in which he was shot dead, NICHOLAS  
26 ROBERTSON made no aggressive movements, no furtive gestures, and no physical  
27 movements which would suggest to a reasonable sheriff's deputy that he had the will, or  
28 the ability to inflict substantial bodily harm against any individual. Both prior to and

1 during the time in which the Defendant DOE Deputies shot and killed NICHOLAS  
2 ROBERTSON, the Defendant DOE Deputies, who fired, were not faced with any  
3 circumstances which would have led a reasonable sheriff's deputy to believe that  
4 NICHOLAS ROBERTSON posed the risk of death or serious bodily injury to any  
5 person.

6       26. At all times mentioned herein, the Defendant DOE Deputies acted under  
7 color and pretense of law, and under color of the statutes, ordinances, regulations,  
8 policies, practices, customs, and/or usages of the State of California and the Defendant  
9 COUNTY. The Defendant DOE Deputies deprived NICHOLAS ROBERTSON of the  
10 rights, privileges, and/or immunities secured to him by the Fourth Amendment to the  
11 Constitution of the United States and the laws of the United States, including, but not  
12 limited to, the right to be free from unreasonable governmental seizures of his person.

13       27. NICHOLAS ROBERTSON had the right to be free from unreasonable  
14 governmental seizures of his person, a right which was secured to NICHOLAS  
15 ROBERTSON by the provisions of the Fourth Amendment to the United States  
16 Constitution, and by 42 U.S.C. § 1983. All of these interests were implicated by the  
17 wrongful conduct of the Defendant DOE Deputies, which proximately caused the death  
18 of NICHOLAS ROBERTSON.

19       28. Plaintiffs are informed, believe, and thereupon allege, that in unreasonably  
20 seizing the person of decedent NICHOLAS ROBERTSON, as described in the foregoing  
21 paragraphs of this Complaint, the Defendant DOE Deputies acted outside the scope of  
22 their jurisdiction and without authorization of law, and acted willfully, maliciously,  
23 knowingly, with reckless disregard and callous indifference to the known consequences  
24 of their acts and omissions, and purposefully with the intent to deprive NICHOLAS  
25 ROBERTSON of his federally protected rights and privileges, and did in fact violate the  
26 aforementioned rights and privileges, thereby warranting punitive and exemplary  
27 damages against the Defendant DOE Deputies in an amount to be proven at the trial of  
28 this matter.

29. As a direct and proximate result of the wrongful, intentional, and malicious acts and omissions of the Defendant DOE Deputies, NICHOLAS ROBERTSON was shot and killed on December 12, 2015, and suffered great mental and physical pain, suffering, anguish, fright, nervousness, anxiety, grief, shock, humiliation, indignity, embarrassment, and apprehension prior to his death, all to his damage in a sum to be determined at trial.

30. As a further proximate result of the wrongful, intentional, and malicious acts and omissions of the Defendant DOE Deputies, NICHOLAS ROBERTSON was required to employ, and did in fact employ, health care providers and/or medical practitioners to examine, treat, and care for him, and incurred expenses for medical services and medical treatment and care prior to his death in an amount according to proof at trial.

31. Plaintiffs are entitled to and hereby demand costs, attorneys' fees, and expenses pursuant to 42 U.S.C. § 1988.

## **FOR THE SECOND CAUSE OF ACTION**

**(By Plaintiff NEKESHA ROBERTSON, as Successor in Interest to NICHOLAS ROBERTSON, Deceased, Against Defendant COUNTY OF LOS ANGELES for Violations of Civil Rights [42 U.S.C. § 1983])**

## **(Based on an Unconstitutional Policy, Practice, or Custom)**

32. Plaintiffs restate and incorporate by reference the foregoing paragraphs of this Complaint as if set forth in full at this point.

33. This cause of action is brought on behalf of decedent NICHOLAS ROBERTSON, by and through his Successor in Interest, Plaintiff NEKESHA ROBERTSON, who would, but for his death, be entitled to bring this cause of action, and is set forth herein to redress the deprivation, under color of statute, ordinance, regulation, policy, custom, practice, and/or usage, of rights, privileges, and/or immunities secured to decedent NICHOLAS ROBERTSON by the Fourth Amendment to the Constitution of the United States, including, but not limited to, the right to be free from unreasonable governmental seizures of his person.

1       34. Plaintiffs are informed and believe, and thereupon allege, that at all times  
2 mentioned herein, the Defendant COUNTY employed the heretofore unknown Defendant  
3 DOE Deputies. The Defendant COUNTY provided its individual employees and agents,  
4 including the Defendant DOE Deputies, with official badges and identification cards  
5 which designated and described the bearers as employees of the Defendant COUNTY  
6 and the Los Angeles County Sheriff's Department.

7       35. At all times relevant to the acts and omissions herein alleged, the heretofore  
8 unknown Defendant DOE Deputies were employed by the Defendant COUNTY and the  
9 Los Angeles County Sheriff's Department, and were acting under color of law and in the  
10 course and scope of their employment with the Defendant COUNTY and the Los  
11 Angeles County Sheriff's Department.

12       36. As set forth in the foregoing paragraphs of this Complaint, the Defendant  
13 DOE Deputies, while acting under color of law and in the course and scope of their  
14 employment with the Defendant COUNTY and the Los Angeles County Sheriff's  
15 Department, violated the Fourth Amendment rights of decedent NICHOLAS  
16 ROBERTSON by acts which included, but were not limited to, unreasonably using  
17 deadly and excessive force against NICHOLAS ROBERTSON. As described in this  
18 Complaint, the shooting of NICHOLAS ROBERTSON was an unconstitutional display  
19 of an unreasonable seizure, and of the deadly and excessive use of force, which violated  
20 the Fourth Amendment right of NICHOLAS ROBERTSON to be free from unreasonable  
21 governmental seizures of his person.

22       37. Plaintiffs are informed and believe, and thereupon allege, that at all times  
23 relevant to the acts and omissions alleged in the foregoing paragraphs of this Complaint,  
24 the Defendant DOE Deputies acted pursuant to a longstanding official practice or custom  
25 of the Defendant COUNTY and the Los Angeles County Sheriff's Department, through  
26 which, prior to December 12, 2015, Los Angeles County Sheriff's Department deputies  
27 employed unreasonable and excessive force in a manner that violates civilians' Fourth  
28 Amendment rights to be free from the unreasonable use of force with such frequency and

regularity that, prior to December 12, 2015, Los Angeles County Sheriff's Department deputies' unreasonable uses of force had become a widespread and well settled practice or custom within the Los Angeles County Sheriff's Department.

38. Plaintiffs are further informed and believe, and thereupon allege, that the Defendant DOE Deputies' shooting of decedent NICHOLAS ROBERTSON, an individual who posed no reasonable or credible threat of violence to the Defendant DOE Deputies, nor to any other person, demonstrated that the Defendant DOE Deputies' training was inadequate to allow them to handle the usual and recurring situations faced by Los Angeles County Sheriff's Department deputies, as evidenced by the following specific actions and omissions of the Defendant DOE Deputies in their response to the subject incident:

- a. The tactical standard of care for law enforcement agencies similarly situated to the Los Angeles County Sheriff's Department is for law enforcement officers employed by such agencies to utilize additional officers, departmental personnel, and/or departmental resources to assist them when approaching and/or attempting to arrest and/or detain suspects and/or potential arrestees whom the officers believe may possibly pose a threat to the safety of the officers or third parties. Both prior to and during the time in which the Defendant DOE Deputies shot and killed NICHOLAS ROBERTSON, they acted in flagrant contravention of this well established standard of care.
- b. The tactical standard of care for law enforcement agencies similarly situated to the Los Angeles County Sheriff's Department is for law enforcement officers employed by such agencies, whenever possible, to issue commands and warnings that are clear and intelligible to suspects and/or potential arrestees prior to employing deadly force. Both prior to and during the time in which the Defendant DOE Deputies shot and killed NICHOLAS ROBERTSON, they acted in flagrant contravention of this well established

standard of care.

- c. The tactical standard of care for law enforcement agencies similarly situated to the Los Angeles County Sheriff's Department is for law enforcement officers employed by such agencies to use all available forms of cover and concealment, such as that which could be afforded by the engine block of a patrol vehicle, when confronted with the possibility of using deadly force. Both prior to and during the time in which the Defendant DOE Deputies shot and killed NICHOLAS ROBERTSON, they acted in flagrant contravention of this well established standard of care.
- d. The tactical standard of care for law enforcement agencies similarly situated to the Los Angeles County Sheriff's Department is for law enforcement officers employed by such agencies to keep a safe distance from suspects whom the officers believe may possibly be armed with a weapon so as to obtain the tactical advantage of distance from a potentially armed threat. Both prior to and during the time in which the Defendant DOE Deputies shot and killed NICHOLAS ROBERTSON, they acted in flagrant contravention of this well established standard of care.
- e. The tactical standard of care for law enforcement agencies similarly situated to the Los Angeles County Sheriff's Department is for law enforcement officers employed by such agencies to use cover, concealment, distance, additional departmental personnel, available illumination, and available communication to accurately assess the level of the threat posed by a suspect and/or potential arrestee prior to using deadly force. Both prior to and during the time in which the Defendant DOE Deputies shot and killed NICHOLAS ROBERTSON, they acted in flagrant contravention of this well established standard of care.
- f. The tactical standard of care for law enforcement agencies similarly situated to the Los Angeles County Sheriff's Department is for law enforcement

1 officers employed by such agencies to fire in controlled bursts when using  
2 deadly force, and to stop and reassess their target, back drop, and fields of  
3 fire when using deadly force, so as to avoid exposing persons and property  
4 to unnecessary fire. Both prior to and during the time in which the  
5 Defendant DOE Deputies shot and killed NICHOLAS ROBERTSON, they  
6 acted in flagrant contravention of this well established standard of care.

7 39. Plaintiffs are informed and believe, and thereupon allege, that prior to  
8 December 12, 2015, the Defendant DOE Deputies received training and instruction in  
9 police tactics and procedures from the Los Angeles County Sheriff's Department in ways  
10 which included, but were not limited to, their attendance at a police academy, their  
11 attendance at departmental briefings, their attendance at mandatory and voluntary  
12 training seminars, their attendance at roll call at their respective station(s) prior to their  
13 assigned shift(s), their receipt of departmental training manuals, their receipt of  
14 departmental training bulletins, and their receipt of additional departmental  
15 correspondence and electronic mails.

16 40. Both prior to and on December 12, 2015, encounters with suspects and  
17 civilians, such as decedent NICHOLAS ROBERTSON, were common among Los  
18 Angeles County Sheriff's Department deputies similarly situated to the Defendant DOE  
19 Deputies, and such encounters were a recurring situation faced by Los Angeles County  
20 Sheriff's Department deputies similarly situated to the Defendant DOE Deputies.

21 41. Plaintiffs are informed and believe, and thereupon allege, that those  
22 individuals responsible for training the Defendant DOE Deputies, including, but not  
23 limited to, their respective field training deputies, watch commanders, shift commanders,  
24 training deputies, firearms instructors, defensive tactics instructors, sergeants, captains,  
25 lieutenants, higher ranking deputies, and authorized policy makers and decision makers  
26 within the Los Angeles County Sheriff's Department, the identities of whom are  
27 presently unknown to Plaintiffs, knew, or in the exercise of reasonable diligence should  
28 have known, that the obvious consequence of the failure to implement, institute, enact,

1 communicate, teach, and/or cause to be taught the above referenced tactical training to  
2 deputies similarly situated to the Defendant DOE Deputies would be that nondangerous  
3 persons, such as decedent NICHOLAS ROBERTSON, would suffer constitutional  
4 deprivations from the unreasonable and excessive use of deadly force.

5       42. Plaintiffs are informed and believe, and thereupon allege, that  
6 notwithstanding the fact that the training personnel responsible for training the Defendant  
7 DOE Deputies, including, but not limited to, their respective field training deputies,  
8 watch commanders, shift commanders, training deputies, firearms instructors, defensive  
9 tactics instructors, sergeants, captains, lieutenants, higher ranking deputies, and  
10 authorized policy makers and decision makers within the Los Angeles County Sheriff's  
11 Department, the identities of whom are presently unknown to Plaintiffs, knew, or in the  
12 exercise of reasonable diligence should have known, that the obvious consequence of the  
13 failure to implement, institute, enact, communicate, teach, and/or cause to be taught the  
14 above referenced tactical training to deputies similarly situated to the Defendant DOE  
15 Deputies would be that nondangerous persons, such as decedent NICHOLAS  
16 ROBERTSON, would suffer constitutional deprivations from the unreasonable use of  
17 deadly force, said training personnel, and each of them, deliberately and consciously  
18 failed to provide adequate tactical training in the above enumerated areas.

19       43. Plaintiffs are informed, believe, and thereupon allege that the failure of the  
20 Los Angeles County Sheriff's Department to provide adequate training to the Defendant  
21 DOE Deputies, as described in the foregoing paragraphs of this Complaint, caused  
22 decedent NICHOLAS ROBERTSON to suffer Fourth Amendment violations resulting  
23 from the unreasonable and excessive use of deadly force.

24       44. As a direct and proximate result of the wrongful, intentional, and malicious  
25 acts and omissions of the Defendant DOE Deputies, NICHOLAS ROBERTSON was  
26 shot and killed on December 12, 2015, and suffered great mental and physical pain,  
27 suffering, anguish, fright, nervousness, anxiety, grief, shock, humiliation, indignity,  
28 embarrassment, and apprehension prior to his death, all to his damage in a sum to be

determined at trial.

45. As a further proximate result of the wrongful, intentional, and malicious acts and omissions of the Defendant DOE Deputies, NICHOLAS ROBERTSON was required to employ, and did in fact employ, health care providers and/or medical practitioners to examine, treat, and care for him, and incurred expenses for medical services and medical treatment and care prior to his death in an amount according to proof at trial.

46. Plaintiffs are entitled to and hereby demand costs, attorneys' fees, and expenses pursuant to 42 U.S.C. § 1988.

## **FOR THE THIRD CAUSE OF ACTION**

**(By All Plaintiffs Against the Heretofore Unknown Defendant DOE Deputies for  
Violations of Civil Rights [42 U.S.C. § 1983])**

### **(Substantive Due Process)**

47. Plaintiffs restate and incorporate by reference the foregoing paragraphs of this Complaint as if set forth in full at this point.

48. This cause of action is brought by Plaintiffs NEKESHA ROBERTSON, N.Z.R., N.P.R., N.D.R., CHARLES ROBERTSON, and ANTHONETT ROBERTSON, and is set forth herein to redress the deprivation, under color of statute, ordinance, regulation, policy, custom, practice, and/or usage, of rights, privileges, and/or immunities secured to Plaintiffs by the Fourteenth Amendment to the Constitution of the United States, including, but not limited to, Plaintiffs' right to substantive due process and privacy, Plaintiffs' right to associate with their husband, father, and son, NICHOLAS ROBERTSON, Plaintiffs' right to enjoy the care, companionship, familial relationship, and society of their husband, father, and son, NICHOLAS ROBERTSON, and Plaintiffs' right to be free from arbitrary and unreasonable governmental intrusions into their family unit.

49. Plaintiffs are informed and believe, and thereupon allege, that at all times mentioned herein, the Defendant COUNTY employed the heretofore unknown Defendant DOE Deputies. The Defendant COUNTY provided its individual employees and agents,

1 including the Defendant DOE Deputies, with official badges and identification cards  
2 which designated and described the bearers as employees of the Defendant COUNTY  
3 and the Los Angeles County Sheriff's Department.

4       50. At all times relevant to the acts and omissions herein alleged, the heretofore  
5 unknown Defendant DOE Deputies were employed by the Defendant COUNTY and the  
6 Los Angeles County Sheriff's Department, and were acting under color of law and in the  
7 course and scope of their employment with the Defendant COUNTY and the Los  
8 Angeles County Sheriff's Department.

9       51. At approximately 11:00 a.m. on Saturday, December 12, 2015, Plaintiffs'  
10 decedent, NICHOLAS ROBERTSON, was walking at or around the intersection of Long  
11 Beach Boulevard and Magnolia Avenue when two heretofore unknown Defendant DOE  
12 Deputies, while acting under color of law and in the course and scope of their  
13 employment with the Defendant COUNTY and the Los Angeles County Sheriff's  
14 Department, violently confronted NICHOLAS ROBERTSON without having probable  
15 cause or reasonable suspicion to believe that NICHOLAS ROBERTSON had committed  
16 a crime, or would commit a crime in the future.

17       52. Without warning, the Defendant DOE Deputies proceeded to assault and  
18 batter NICHOLAS ROBERTSON by acts which included, but were not limited to,  
19 repeatedly and unjustifiably discharging their department-issued firearms at the person of  
20 NICHOLAS ROBERTSON, inflicting several gunshot wounds, which proved to be fatal.  
21 Following the shooting, the involved deputies denied medical care to NICHOLAS  
22 ROBERTSON in a manner that demonstrated deliberate indifference to his constitutional  
23 rights. After surviving for an appreciable period of time following the shooting,  
24 NICHOLAS ROBERTSON died as a direct and proximate result of the gunshot wounds  
25 inflicted upon his person by the Defendant DOE Deputies.

26       53. At no time during the course of these events did NICHOLAS ROBERTSON  
27 pose any reasonable or credible threat of violence to the shooting deputies, nor did he do  
28 anything to justify the force used against him, and the same was deadly, excessive,

unnecessary, and unlawful. Both prior to and during the time in which he was fatally shot, NICHOLAS ROBERTSON posed no reasonable or credible threat of violence to the heretofore unknown Defendant DOE Deputies who shot him, nor to any other individual. Both prior to and during the time in which he was shot dead, NICHOLAS ROBERTSON made no aggressive movements, no furtive gestures, and no physical movements which would suggest to a reasonable sheriff's deputy that he had the will, or the ability to inflict substantial bodily harm against any individual. Both prior to and during the time in which the Defendant DOE Deputies shot and killed NICHOLAS ROBERTSON, the Defendant DOE Deputies, who fired, were not faced with any circumstances which would have led a reasonable sheriff's deputy to believe that NICHOLAS ROBERTSON posed the risk of death or serious bodily injury to any person.

54. At all relevant times herein, the Defendant DOE Deputies were faced with circumstances that allowed time for actual deliberation, and acted with deliberate indifference to the constitutional rights of NICHOLAS ROBERTSON and Plaintiffs and/or with a purpose to harm unrelated to any legitimate law enforcement objective and in a manner that shocks the conscience when they used deadly and excessive force against NICHOLAS ROBERTSON.

55. At all times mentioned herein, the Defendant DOE Deputies acted under color and pretense of law, and under color of the statutes, ordinances, regulations, policies, practices, customs, and/or usages of the State of California and the Defendant COUNTY.

56. The Defendant DOE Deputies deprived Plaintiffs of the rights, privileges, and/or immunities secured to them by the Fourteenth Amendment to the Constitution of the United States and the laws of the United States, including, but not limited to, Plaintiffs' right to substantive due process and privacy, Plaintiffs' right to associate with their husband, father, and son, NICHOLAS ROBERTSON, Plaintiffs' right to enjoy the care, companionship, familial relationship, and society of their husband, father, and son,

1 NICHOLAS ROBERTSON, and Plaintiffs' right to be free from arbitrary and  
2 unreasonable governmental intrusions into their family unit.

3 57. Plaintiffs had a Fourteenth Amendment right to substantive due process and  
4 privacy, as well as a Fourteenth Amendment right to associate with their husband, father,  
5 and son, NICHOLAS ROBERTSON, a Fourteenth Amendment right to enjoy the care,  
6 companionship, familial relationship, and society of their husband, father, and son,  
7 NICHOLAS ROBERTSON, and a Fourteenth Amendment right to be free from arbitrary  
8 and unreasonable governmental intrusions into their family unit. All of these rights and  
9 privileges were secured to Plaintiffs by the provisions of the Fourteenth Amendment to  
10 the United States Constitution, and by 42 U.S.C. § 1983. All of these interests were  
11 implicated by the wrongful conduct of the Defendant DOE Deputies, which proximately  
12 caused the death of NICHOLAS ROBERTSON.

13 58. By causing the death of NICHOLAS ROBERTSON, the actions of the  
14 Defendant DOE Deputies violated Plaintiffs' Fourteenth Amendment rights to  
15 substantive due process and privacy, as well as Plaintiffs' Fourteenth Amendment right to  
16 associate with their husband, father and son, NICHOLAS ROBERTSON, Plaintiffs'  
17 Fourteenth Amendment right to enjoy the care, companionship, familial relationship, and  
18 society of their husband, father and son, NICHOLAS ROBERTSON, and Plaintiffs'  
19 Fourteenth Amendment right to be free from arbitrary and unreasonable governmental  
20 intrusions into their family unit. The Defendant DOE Deputies, and each of them,  
21 intruded upon the aforementioned Fourteenth Amendment rights of Plaintiffs with  
22 deliberate indifference and/or a purpose to harm unrelated to any legitimate law  
23 enforcement objective and in a manner that shocks the conscience when they used deadly  
24 and excessive force against NICHOLAS ROBERTSON.

25 59. Plaintiffs are informed, believe, and thereupon allege that in committing the  
26 acts and omissions described in this Complaint, the Defendant DOE Deputies acted  
27 outside the scope of their jurisdiction and without authorization of law, and acted  
28 willfully, maliciously, knowingly, with reckless disregard and callous indifference to the

1 known consequences of their acts and omissions, and purposefully with the intent to  
2 deprive Plaintiffs and Plaintiffs' decedent of their federally protected rights and  
3 privileges, and did in fact violate the aforementioned rights and privileges, thereby  
4 warranting punitive and exemplary damages against the Defendant DOE Deputies in an  
5 amount to be proven at the trial of this matter.

6 60. As a direct and proximate result of the wrongful acts and omissions of the  
7 Defendant DOE Deputies, NICHOLAS ROBERTSON was shot and killed on December  
8 12, 2015, and Plaintiffs were thereby deprived of their constitutional right to a familial  
9 relationship with NICHOLAS ROBERTSON.

10 61. As a further direct and proximate result of the wrongful acts and omissions  
11 of the Defendant DOE Deputies, Plaintiffs have suffered extreme and severe emotional  
12 distress, mental anguish, and pain, and have been deprived of the life-long love,  
13 companionship, comfort, support, society, care, and sustenance of NICHOLAS  
14 ROBERTSON and will continue to be so deprived for the remainder of their natural  
15 lives, all to their damage in a sum to be determined at trial.

16 62. As a further proximate result of the wrongful acts and omissions of the  
17 Defendant DOE Deputies, Plaintiffs have lost past and future earnings and wages  
18 resulting from the loss of the support and services of NICHOLAS ROBERTSON in an  
19 amount to be determined according to proof at trial.

20 63. Plaintiffs are entitled to and hereby demand costs, attorneys' fees, and  
21 expenses pursuant to 42 U.S.C. § 1988.

22 **FOR THE FOURTH CAUSE OF ACTION**

23 (By Plaintiffs NEKESHA ROBERTSON, N.Z.R., N.P.R., and N.D.R. Against All  
24 Defendants for Wrongful Death [Cal. Government Code §§ 815.2(a), 820(a); Cal.

25 **Civil Code § 43]**

26 **(Based on Battery)**

27 64. Plaintiffs restate and incorporate by reference the foregoing paragraphs of  
28 this Complaint as if set forth in full at this point.

1       65. All claims asserted herein against the Defendant COUNTY are presented  
2 pursuant to the Defendant COUNTY's vicarious liability for acts and omissions of  
3 municipal employees undertaken in the course and scope of their employment pursuant to  
4 California Government Code §§ 815.2(a) and 820(a).

5       66. At approximately 11:00 a.m. on Saturday, December 12, 2015, Plaintiffs'  
6 decedent, NICHOLAS ROBERTSON, was walking at or around the intersection of Long  
7 Beach Boulevard and Magnolia Avenue when two heretofore unknown Defendant DOE  
8 Deputies, while acting under color of law and in the course and scope of their  
9 employment with the Defendant COUNTY and the Los Angeles County Sheriff's  
10 Department, violently confronted NICHOLAS ROBERTSON without having probable  
11 cause or reasonable suspicion to believe that NICHOLAS ROBERTSON had committed  
12 a crime, or would commit a crime in the future.

13       67. Without warning, the Defendant DOE Deputies proceeded to assault and  
14 batter NICHOLAS ROBERTSON by acts which included, but were not limited to,  
15 repeatedly and unjustifiably discharging their department-issued firearms at the person of  
16 NICHOLAS ROBERTSON, inflicting several gunshot wounds, which proved to be fatal.

17       68. As a direct and proximate result of the above-mentioned conduct of the  
18 Defendant DOE Deputies, and each of them, NICHOLAS ROBERTSON was shot on  
19 December 12, 2015. After surviving for an appreciable period of time following the  
20 shooting, NICHOLAS ROBERTSON died as a direct and proximate result of the gunshot  
21 wounds inflicted upon his person by the Defendant DOE Deputies.

22       69. At no time during the course of these events did NICHOLAS ROBERTSON  
23 pose any reasonable or credible threat of violence to the shooting deputies, nor did he do  
24 anything to justify the force used against him, and the same was deadly, excessive,  
25 unnecessary, and unlawful. Both prior to and during the time in which he was fatally  
26 shot, NICHOLAS ROBERTSON posed no reasonable or credible threat of violence to  
27 the heretofore unknown Defendant DOE Deputies who shot him, nor to any other  
28 individual. Both prior to and during the time in which he was shot dead, NICHOLAS

1 ROBERTSON made no aggressive movements, no furtive gestures, and no physical  
2 movements which would suggest to a reasonable sheriff's deputy that he had the will, or  
3 the ability to inflict substantial bodily harm against any individual. Both prior to and  
4 during the time in which the Defendant DOE Deputies shot and killed NICHOLAS  
5 ROBERTSON, the Defendant DOE Deputies, who fired, were not faced with any  
6 circumstances which would have led a reasonable sheriff's deputy to believe that  
7 NICHOLAS ROBERTSON posed the risk of death or serious bodily injury to any  
8 person.

9       70. Plaintiffs are informed, believe, and thereupon allege, that in shooting  
10 decedent NICHOLAS ROBERTSON, as described in the foregoing paragraphs of this  
11 Complaint, the Defendant DOE Deputies acted outside the scope of their jurisdiction and  
12 without authorization of law, and acted willfully, maliciously, knowingly, with reckless  
13 disregard and callous indifference to the known consequences of their acts and omissions,  
14 and purposefully with the intent to deprive NICHOLAS ROBERTSON of his protected  
15 rights and privileges, and did in fact violate the aforementioned rights and privileges,  
16 thereby warranting punitive and exemplary damages against the Defendant DOE  
17 Deputies in an amount to be proven at the trial of this matter.

18       71. As a direct and proximate result of the death of decedent NICHOLAS  
19 ROBERTSON and the above-described conduct of the Defendants, and each of them,  
20 NICHOLAS ROBERTSON's heirs, the Plaintiffs herein, have sustained substantial  
21 economic and non-economic damages resulting from the loss of the love, companionship,  
22 comfort, care, assistance, protection, affection, society, moral support, training, guidance,  
23 services, earnings, and support of NICHOLAS ROBERTSON in an amount according to  
24 proof at trial.

25       72. As a further proximate result of the above-described conduct of the  
26 Defendants, and each of them, and the ensuing death of NICHOLAS ROBERTSON,  
27 Plaintiffs have incurred funeral and burial expenses in an amount according to proof at  
28 trial.

## **FOR THE FIFTH CAUSE OF ACTION**

**(By Plaintiffs NEKESHA ROBERTSON, N.Z.R., N.P.R., and N.D.R. Against All  
Defendants for Wrongful Death [Cal. Government Code §§ 815.2(a), 820(a)]**

**(Based on Negligence)**

73. Plaintiffs restate and incorporate by reference the foregoing paragraphs of this Complaint as if set forth in full at this point.

74. All claims asserted herein against the Defendant COUNTY are presented pursuant to the Defendant COUNTY's vicarious liability for acts and omissions of municipal employees undertaken in the course and scope of their employment pursuant to California Government Code §§ 815.2(a) and 820(a).

75. At approximately 11:00 a.m. on Saturday, December 12, 2015, Plaintiffs' decedent, NICHOLAS ROBERTSON, was walking at or around the intersection of Long Beach Boulevard and Magnolia Avenue when two heretofore unknown Defendant DOE Deputies, while acting under color of law and in the course and scope of their employment with the Defendant COUNTY and the Los Angeles County Sheriff's Department, negligently assessed the circumstances presented to them, and then violently confronted NICHOLAS ROBERTSON without having probable cause or reasonable suspicion to believe that NICHOLAS ROBERTSON had committed a crime, or would commit a crime in the future.

76. Without warning, the Defendant DOE Deputies negligently discharged their department-issued firearms at the person of NICHOLAS ROBERTSON, inflicting several gunshot wounds, which proved to be fatal. After surviving for an appreciable period of time following the shooting, NICHOLAS ROBERTSON died as a direct and proximate result of the gunshot wounds negligently inflicted upon his person by the Defendant DOE Deputies.

77. At no time during the course of these events did NICHOLAS ROBERTSON pose any reasonable or credible threat of violence to the shooting deputies, nor did he do anything to justify the force used against him, and the same was deadly, excessive,

unnecessary, and unlawful. Both prior to and during the time in which he was fatally shot, NICHOLAS ROBERTSON posed no reasonable or credible threat of violence to the heretofore unknown Defendant DOE Deputies who shot him, nor to any other individual. Both prior to and during the time in which he was shot dead, NICHOLAS ROBERTSON made no aggressive movements, no furtive gestures, and no physical movements which would suggest to a reasonable sheriff's deputy that he had the will, or the ability to inflict substantial bodily harm against any individual. Both prior to and during the time in which the Defendant DOE Deputies shot and killed NICHOLAS ROBERTSON, the Defendant DOE Deputies, who fired, were not faced with any circumstances which would have led a reasonable sheriff's deputy to believe that NICHOLAS ROBERTSON posed the risk of death or serious bodily injury to any person.

78. Plaintiffs are informed and believe, and thereupon allege, that on and before December 12, 2015, the Defendant DOE Deputies had a duty to exercise the reasonable and ordinary care which would be expected of similarly situated peace officers in the use of deadly force, and had a duty to exercise the reasonable and ordinary care which would be expected of similarly situated peace officers in the execution of police tactics and police procedures in approaching and/or attempting to detain civilians and suspects who do not pose an immediate threat of death or serious bodily injury to any person. Notwithstanding each of these duties, the Defendant DOE Deputies failed to exercise reasonable and ordinary care in committing the acts alleged herein, by actions and inactions which include, but are not limited to, negligently failing to determine the fact that NICHOLAS ROBERTSON posed no threat of physical harm to any person when he was shot and killed, negligently inflicting physical injury upon NICHOLAS ROBERTSON, as described herein, and negligently employing deadly force against NICHOLAS ROBERTSON when the same was unnecessary and unlawful. All of these negligent acts proximately caused NICHOLAS ROBERTSON's death on December 12, 2015.

79. As a proximate result of the above-described conduct of the Defendants, and each of them, NICHOLAS ROBERTSON was shot and killed on December 12, 2015.

80. As a direct and proximate result of the death of decedent NICHOLAS ROBERTSON and the above-described conduct of the Defendants, and each of them, NICHOLAS ROBERTSON's heirs, the Plaintiffs herein, have sustained substantial economic and non-economic damages resulting from the loss of the love, companionship, comfort, care, assistance, protection, affection, society, moral support, training, guidance, services, earnings, and support of NICHOLAS ROBERTSON in an amount according to proof at trial.

81. As a further proximate result of the above-described conduct of the Defendants, and each of them, and the ensuing death of NICHOLAS ROBERTSON, Plaintiffs have incurred funeral and burial expenses in an amount according to proof at trial.

**WHEREFORE**, Plaintiffs pray for judgment against Defendants as follows:

1. For funeral and burial related expenses according to proof at trial;
2. For general and special damages in an amount according to proof at trial;
3. For medical and related expenses according to proof at trial;
4. For costs of suit incurred herein;
5. For attorneys' fees incurred herein, as provided by law;
6. For punitive damages against the individual Defendants in their individual capacities in an amount according to proof at trial;
7. For such other and further relief as the Court deems just and proper.

## **JURY DEMAND**

All Plaintiffs hereby demand that a jury be impaneled for the trial of this matter.

1 DATED: April 21, 2016

Respectfully submitted,

2 **THE COCHRAN FIRM CALIFORNIA**

3  
4 By: /s/ Brian T. Dunn

5 BRIAN T. DUNN

6 MEGAN R. GYONGYOS

7 Attorneys for all Plaintiffs

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THE COCHRAN FIRM - CALIFORNIA  
4929 Wilshire Boulevard, Suite 1010, Los Angeles, CA 90010  
(323) 435-8205 Telephone . (323) 282-5280 Facsimile

## COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH

3052015249790

## CERTIFICATE OF DEATH

STATE OF CALIFORNIA  
USE BLACK INK ONLY FOR ORIGINAL VITAL RECORDS OR ALTERATIONS  
VS-1992 (2-200)

320151905258

LOCAL REGISTRATION NUMBER

1. NAME OF DECEDENT - FIRST (GIVEN) <b>NICHOLAS</b>		2. MIDDLE <b>DE ANTONIO</b>		3. LAST (FAMILY) <b>ROBERTSON</b>	
4. ALSO KNOWN AS - Include all aka's, first, middle, last		5. DATE OF BIRTH mm/yyyy <b>12/19/1987</b>		6. AGE IN YEARS <b>28</b>	
7. MARRIED <b>MARRIED</b>		8. DEATH OCCURRED IN THE DAY <b>12/12/2015</b>		9. HOURS 24 HOURS <b>1117</b>	
10. BIRTH STATE/FOREIGN COUNTRY <b>TENNESSEE</b>		11. EVER UNLAWFULLY ARMED FOR USE <b>X YES</b>		12. DECEASED'S RACE - Up to 3 races may be listed (as indicated on back) <b>AFRICAN AMERICAN</b>	
13. EDUCATION - HS GRADUATE <b>YES</b>		14. KIND OF BUSINESS OR INDUSTRY (e.g., service, steel, road construction, auto, medical supply, etc.) <b>LABORER</b>		15. YEARS IN OCCUPATION <b>10</b>	
16. DECEASED'S RESIDENCE (Street and number or location) <b>LYNWOOD</b>					
17. CITY <b>LYNWOOD</b>		18. COUNTY/PROVINCE <b>LOS ANGELES</b>		19. ZIP CODE <b>27</b>	
20. DECEASED'S INFORMANT'S NAME, RELATIONSHIP <b>ANTHONETT ROBERTSON, MOTHER</b>		21. INFORMANT'S ADDRESS (Street and number, and name of city, town, county, state and zip) <b>LYNWOOD, CA</b>			
22. NAME OF SURVIVING SPOUSE/FATHER-FIRST <b>NEKIESHA</b>		23. MIDDLE <b></b>		24. LAST BIRTH NAME <b>ALEXANDER</b>	
25. NAME OF FATHER/MENTHOR-FIRST <b>CHARLES</b>		26. MIDDLE <b>MANN</b>		27. LAST <b>ROBERTSON</b>	
28. NAME OF MOTHER/PARENT-FIRST <b>ANTHONETT</b>		29. MIDDLE <b>HOWARD</b>		30. BIRTH STATE <b>TENNESSEE</b>	
31. DEPOSITION DATE mm/yyyy <b>12/29/2015</b>		32. PLACE OF FINAL DISPOSITION <b>ROSE HILLS MEMORIAL PARK 3860 SOUTH WORKMAN MILL ROAD, WHITTIER, CA 90601</b>		33. LICENSE NUMBER <b>EMB8734</b>	
34. TYPE OF DISPOSITION <b>BU</b>		35. SIGNATURE OF ATTENDING PHYSICIAN <b>DR. JAMES L. SIMPSON</b>		36. SIGNATURE OF FUNERAL DIRECTOR <b>FD2108</b>	
37. PLACE OF DEATH <b>STREET LOS ANGELES</b>		38. FACILITY ADDRESS OR LOCATION OF OTHER (GUARDIAN, ETC.) <b>12131 LONG BEACH BLVD</b>		39. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>	
40. CAUSE OF DEATH <b>DEFERRED</b>		41. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		42. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
43. IMMEDIATE CAUSE <b>DEFERRED</b>		44. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		45. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
46. PREVIOUSLY PUBLISHED <b>NO</b>		47. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		48. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
49. IF DEFERRED <b>NO</b>		50. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		51. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
52. IF DEFERRED <b>NO</b>		53. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		54. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
55. IF DEFERRED <b>NO</b>		56. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		57. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
58. IF DEFERRED <b>NO</b>		59. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		60. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
61. IF DEFERRED <b>NO</b>		62. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		63. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
64. IF DEFERRED <b>NO</b>		65. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		66. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
67. IF DEFERRED <b>NO</b>		68. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		69. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
70. IF DEFERRED <b>NO</b>		71. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		72. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
73. IF DEFERRED <b>NO</b>		74. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		75. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
76. IF DEFERRED <b>NO</b>		77. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		78. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
79. IF DEFERRED <b>NO</b>		80. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		81. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
82. IF DEFERRED <b>NO</b>		83. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		84. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
85. IF DEFERRED <b>NO</b>		86. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		87. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
88. IF DEFERRED <b>NO</b>		89. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		90. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
91. IF DEFERRED <b>NO</b>		92. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		93. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
94. IF DEFERRED <b>NO</b>		95. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		96. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
97. IF DEFERRED <b>NO</b>		98. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		99. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
100. IF DEFERRED <b>NO</b>		101. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		102. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
103. IF DEFERRED <b>NO</b>		104. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		105. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
106. IF DEFERRED <b>NO</b>		107. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		108. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
109. IF DEFERRED <b>NO</b>		110. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		111. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
112. IF DEFERRED <b>NO</b>		113. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		114. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
115. IF DEFERRED <b>NO</b>		116. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		117. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
118. IF DEFERRED <b>NO</b>		119. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		120. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
121. IF DEFERRED <b>NO</b>		122. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		123. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
124. IF DEFERRED <b>NO</b>		125. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		126. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
127. IF DEFERRED <b>NO</b>		128. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		129. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
130. IF DEFERRED <b>NO</b>		131. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		132. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
133. IF DEFERRED <b>NO</b>		134. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		135. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
136. IF DEFERRED <b>NO</b>		137. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		138. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
139. IF DEFERRED <b>NO</b>		140. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		141. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
142. IF DEFERRED <b>NO</b>		143. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		144. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
145. IF DEFERRED <b>NO</b>		146. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		147. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
148. IF DEFERRED <b>NO</b>		149. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		150. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
151. IF DEFERRED <b>NO</b>		152. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		153. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
154. IF DEFERRED <b>NO</b>		155. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		156. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
157. IF DEFERRED <b>NO</b>		158. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		159. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
160. IF DEFERRED <b>NO</b>		161. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		162. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
163. IF DEFERRED <b>NO</b>		164. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		165. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
166. IF DEFERRED <b>NO</b>		167. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		168. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
169. IF DEFERRED <b>NO</b>		170. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		171. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
172. IF DEFERRED <b>NO</b>		173. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		174. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
175. IF DEFERRED <b>NO</b>		176. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		177. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
178. IF DEFERRED <b>NO</b>		179. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		180. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
181. IF DEFERRED <b>NO</b>		182. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		183. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
184. IF DEFERRED <b>NO</b>		185. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		186. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
187. IF DEFERRED <b>NO</b>		188. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		189. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
190. IF DEFERRED <b>NO</b>		191. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		192. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
193. IF DEFERRED <b>NO</b>		194. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		195. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
196. IF DEFERRED <b>NO</b>		197. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		198. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
199. IF DEFERRED <b>NO</b>		200. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		201. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
202. IF DEFERRED <b>NO</b>		203. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		204. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
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211. IF DEFERRED <b>NO</b>		212. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		213. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
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220. IF DEFERRED <b>NO</b>		221. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		222. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
223. IF DEFERRED <b>NO</b>		224. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		225. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
226. IF DEFERRED <b>NO</b>		227. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		228. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
229. IF DEFERRED <b>NO</b>		230. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		231. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
232. IF DEFERRED <b>NO</b>		233. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		234. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
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241. IF DEFERRED <b>NO</b>		242. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		243. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
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247. IF DEFERRED <b>NO</b>		248. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		249. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
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280. IF DEFERRED <b>NO</b>		281. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		282. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
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301. IF DEFERRED <b>NO</b>		302. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		303. IF OTHER THAN HOSPITAL, SPECIFY ONE <b>DECEASED'S HOME</b>	
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367. IF DEFERRED <b>NO</b>		368. IF HOSPITAL, SPECIFY ONE <b>HOSPITAL</b>		369. IF OTHER THAN HOSPITAL,	

## CERTIFIED COPY OF RECORD

## CERTIFICATION OF VITAL RECORD

## COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH

## PHYSICIAN/CORONER'S AMENDMENT

3052015249790

STATE FILE NUMBER

NO ERASURES, WHITEOUTS, PHOTOCOPIES,  
OR ALTERATIONS

3201519056258

LOCAL REGISTRATION NUMBER

1.

 BIRTH  DEATH  FETAL DEATH

TYPE OR PRINT CLEARLY IN BLACK INK ONLY - THIS AMENDMENT BECOMES AN ACTUAL PART OF THE OFFICIAL RECORD

## PART I INFORMATION TO LOCATE RECORD

INFORMATION AS IT APPEARS ON ORIGINAL RECORD	1A. NAME - FIRST NICHOLAS	1B. MIDDLE DE ANTONIO	1C. LAST ROBERTSON	2. SEX M
	3. DATE OF EVENT - MM/DD/YY 12/12/2015	4. CITY OF EVENT LYNWOOD	5. COUNTY OF EVENT LOS ANGELES	

## PART II STATEMENT OF CORRECTIONS

6. CERTIFICATE NUMBER 107A	7. INFORMATION AS IT APPEARS ON ORIGINAL RECORD DEFERRED	8. INFORMATION AS IT SHOULD APPEAR GUNSHOT WOUNDS
107A	PENDING INVESTIGATION	UNK
119		HOMICIDE
120		NO
121		12/12/2015
122		UNK
123		STREET
124		LAW ENFORCEMENT RELATED
125		SHOOTING BY UNKNOWN
		HEMARM
		211 LONG BEACH BLVD
		LYNWOOD, CA 90262

DECLARATION OF CERTIFYING PHYSICIAN OR CORONER	I HEREBY DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		
	9. SIGNATURE OF CERTIFYING PHYSICIAN OR CORONER ► [Redacted]	10. DATE SIGNED - MM/DD/YY 03/23/2016	11. TYPED OR PRINTED NAME AND TITLE/DEGREE OF CERTIFIER DME
STATE/LOCAL REGISTRAR USE ONLY	12. ADDRESS - STREET AND NUMBER 1104 NORTH MISSION ROAD	13. CITY LOS ANGELES	14. STATE CA
	15. OFFICE OF VITAL RECORDS OR LOCAL REGISTRAR ► [Redacted]	16. ZIP CODE 90033	17. DATE ACCEPTED FOR REGISTRATION - MM/DD/YY 03/23/2016

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC HEALTH, OFFICE OF VITAL RECORDS	0201010320303	FORM V6-244e (REV. 1/08)
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This is a true certified copy of the record filed in the County of Los Angeles  
Department of Public Health. It bears the Registrar's signature in purple ink.

Director of Public Health and Registrar

DATE ISSUED

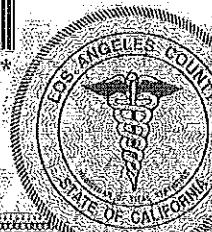
VE

APR 14 2016

100006287\*

This copy not valid unless prepared on engraved border displaying seal and signature of Registrar.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



## **DECLARATION OF NEKESHA ROBERTSON**

1. The decedent's name who is the subject of this action for violations of civil rights and wrongful death is NICHOLAS ROBERTSON.

2. On December 12, 2015, NICHOLAS ROBERTSON was killed in a deputy-involved shooting incident which occurred at or around the intersection of Long Beach Boulevard and Magnolia Avenue in the City of Lynwood, County of Los Angeles, and State of California.

3. No proceeding is now pending in California for the administration of the decedent's estate.

4. I am the decedent's successor in interest (as defined in Section 377.11 of the California Code of Civil Procedure) with respect to the decedent's interest in the within action.

5. No other person has a superior right to commence the action or proceeding or to be substituted for the decedent in the pending action.

I declare under penalty of perjury under the laws of the State of California that the foregoing  
is true and correct.

DATED: 9-15-14

  
\_\_\_\_\_  
NEKESHA ROBERTSON, declarant